

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN RANAE GLEEN CANDLER,

Plaintiff,

v.

JOHN & JANE DOES, et al.,

Defendants.

No. 1:23-cv-00459-JLT-SAB (PC)

ORDER SUBSTITUTING DOE DEFENDANTS
AND DIRECTING SERVICE OF FIRST
AMENDED COMPLAINT

(ECF Nos. 52, 53)

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's excessive force claim against the unidentified correctional officer(s) at Wasco State Prison.

On October 17, 2023, the Court issued an order sending Plaintiff a copy of Form AO 88B to complete and return within thirty days and granted Plaintiff ninety days to file a motion for to substitute a named Defendant in place of the unidentified Doe Defendant(s). (ECF No. 38.)

On October 30, 2023, Plaintiff filed a motion to substitute the named Defendant. (ECF No. 39.) On October 31, 2023, the Court denied Plaintiff's motion for substitution, without prejudice, because he was seeking to amend the complaint to substitute Defendants based on an incident not at issue in this case. (ECF No. 41.) The Court denied Plaintiff's second motion for substitution based on the same grounds as the first motion on November 9, 2023. (ECF Nos. 43, 44.)

On November 27, 2023, the Court denied Plaintiff's motion to amend the complaint because he was again seeking to amend the complaint to substitute and add the names of three

1 Doe Defendants at the Visalia County Jail-who are not at issue in this case. (ECF Nos. 45, 46.)

2 On December 11, 2023, the Court denied Plaintiff's sixth request for appointment of
3 counsel and granted Plaintiff thirty days to complete and return the Form AO88B and ninety days
4 to file a motion to substitute the Doe Defendant(s). (ECF No. 48.) Plaintiff was warned that
5 failure to comply with the Court's order would result in dismissal of the action. (*Id.* at 3.)

6 Plaintiff failed to comply with Court's December 11, 2023 order. Therefore, on March
7 14, 2024, the Court ordered Plaintiff to provide written notice identifying Doe Defendant for
8 service of process or show cause why action should not be dismissed for failure to prosecute.
9 (ECF No. 51.)

10 On March 25, 2024, Plaintiff filed two separate responses to the Court's March 14, 2024,
11 order, which the Court construes as a motion to substitute the Doe Defendants. (ECF Nos. 52,
12 53.) Plaintiff submits that the Doe Defendants identities are J. Ball and Backer Hernandez. (ECF
13 No. 52.) Based on Plaintiff's filing, the Court will substitute Defendants J. Ball and Backer
14 Hernandez for the Doe Defendants in this action. By way of separate order, the Court will direct
15 service on both Defendants.

16 Accordingly, it is HEREBY ORDERED that:

17 1. The Clerk of Court shall add Defendants J. Ball and Backer Hernandez in place of
18 the Doe Defendants in this action; and

19 2. By way of separate order the Court will direct service of the first amended
20 complaint on Defendants J. Ball and Backer Hernandez.

21 IT IS SO ORDERED.

22 Dated: April 1, 2024

23 
24 UNITED STATES MAGISTRATE JUDGE